

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARNER ALLEN, :
Plaintiff, :
v. :
C.O. DEVERON D. AITKEN; :
C.O. JONELLE S. BISSESSAR; :
SERGEANT KENNETH L. JAMES; and :
REGISTERED NURSE VOLODYMR :
GLUKHAN, :
Defendants.

ORDER

23 CV 2149 (VB)

8/30/23
Copies Mailed/Faxed Chambers, Vincent L. Briccetti OK

Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action by filing a complaint on March 13, 2023. (Doc. #1). He filed an amended complaint on June 15, 2023. (Doc. #14).

Because plaintiff is proceeding in forma pauperis, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. On August 16, 2023, defendant Volodymr Glukhan was served. (Doc. #19). On August 16, 2023, the U.S. Marshals Service also attempted service on defendants C.O. Deveron D. Aitken and Sergeant Kenneth L. James at Sing Sing Correctional Facility, 354 Hunter Street, Ossining, New York 10562. (Docs. ##18, 20). However, the service receipts indicate that as to Aitken, service was “not accepted at facility,” and as to James, he has retired. (Id.).

Accordingly, it is hereby ORDERED:

1. By September 13, 2023, the Attorney General is directed to file a letter informing the Court whether it will accept service on behalf of Aitken and James. If the Attorney General will not accept service on behalf of the Aitken and James, it shall provide the Court with addresses where each of them may be served.

2. Plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve defendants is sua sponte extended to January 17, 2024.

3. The time for all defendants to answer, move, or otherwise respond to the amended complaint is STAYED pending further Court Order.

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: August 30, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge